

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CRIMINAL CASES**

Directions: Counsel must make a **docketing statement (criminal)** entry in CM/ECF within 14 days of filing a notice of appeal or cross appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form and any extended answers and (2) any transcript order form. Counsel who filed the notice of appeal is responsible for filing the docketing statement even if different counsel will handle the appeal. In criminal cases, counsel who represented the defendant below must continue on appeal unless the court of appeals grants a motion to withdraw. Appellants proceeding pro se are not required to file a docketing statement. Opposing counsel may file objections to the docketing statement within 10 days of service using the ECF event-**docketing statement objection/correction**.

Appeal No. & Caption	No. 19-4137; United States of America v. Allen H. Loughry, II
Originating No. & Caption	No. 2:18-cr-00134-1; United States of America v. Allen H. Loughry, II
District Court & Judge	Southern District of West Virginia; John T. Copenhaver, Jr.

Jurisdiction (answer any that apply)		
Date of entry of order/judgment appealed from	2/25/2019	
Date this notice of appeal filed	2/26/2019	
If cross appeal, date first notice of appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period		
Time for filing appeal extended to		
Is appeal from final order or judgment?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

Transcript – Order all necessary transcript now. Extensions of the briefing schedule to order additional transcript are disfavored

(Identify necessary transcript dates and state whether the transcript is on file or a copy of the transcript order is attached.).

Trial Date(s):	October 2 - 12, 2018	<input type="radio"/> On Order or On File	<input checked="" type="radio"/> Order Attached	<input type="radio"/> Not Needed
Plea Date:		<input type="radio"/> On Order or On File	<input type="radio"/> Order Attached	<input type="radio"/> Not Needed
Sentence Date:	February 13, 2019	<input type="radio"/> On Order or On File	<input checked="" type="radio"/> Order Attached	<input type="radio"/> Not Needed
Other Date(s):	September 17, 2018 (Motion Hearing)	<input type="radio"/> On Order or On File	<input checked="" type="radio"/> Order Attached	<input type="radio"/> Not Needed

Case Handling Requirements (answer any that apply)

Case number of any prior appeal in same case		
Case number of any pending appeal in same case		
Identification of any case pending in this Court or Supreme Court raising similar issue	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
If yes, motion to expedite must be filed.		

Issues (Non-binding statement of issues to raise on appeal. Attach additional page if necessary.)

Whether sufficient evidence supports the conviction?
 Whether the defendant's Sixth Amendment right to a jury was violated by jury bias?
 Whether the defendant produced sufficient evidence of jury bias to warrant a hearing?
 Whether the defendant was entitled to a presumption of prejudice and an evidentiary hearing under Remmer v. United States, 347 U.S. 227 (1954), and its progeny?

Appellant's Name & Address	Counsel's Name & Address
Name: Allen H. Loughry, II Address: E-Mail: Phone:	Name: Nicholas D. Stellakis Address: Hunton Andrews Kurth LLP 125 High Street Boston, MA 02110 E-Mail: nstellakis@huntonak.com Phone: 617-648-2747

Signature: <u>/s/ Nicholas D. Stellakis</u> Date: <u>March 14, 2019</u>
Counsel for: <u>Appellant Allen H. Loughry, II</u>

Certificate of Service: I certify that on <u>March 14, 2019</u> the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:	
Philip H. Wright U. S. Attorney's Office P. O. Box 1713 Charleston, WV 25326-1713 philip.wright@usdoj.gov	R. Gregory McVey U. S. Attorney's Office 300 Virginia Street, East, Suite 4000 Charleston, WV 25301 greg.mcvey@usdoj.gov
Signature: <u>/s/ Nicholas D. Stellakis</u>	Date: <u>March 14, 2019</u>

FOURTH CIRCUIT TRANSCRIPT ORDER FORM

Case Style United States of America v. Allen H. Loughry, II
 Dist. Ct. No. 2:18-cr-00134-1 District Southern District of West Virginia
 Date Notice of Appeal filed 02/26/19 Court of Appeals No. 19-4137
 Name of Court Reporter/Electronic Rec. (use separate form for each reporter) Catherine Schutte-Stant
 Address of Reporter 300 Virginia Street East, Room 6009, Charleston, WV 25301

Appellant must order any necessary transcript within 14 days of noting the appeal by completing a separate transcript order form for each reporter, submitting the orders to the court reporters and the district court, and attaching copies to the docketing statement filed in the court of appeals. The transcript order form should not include requests for transcripts that are on file or are on order. The completed order form must show that necessary financial arrangements have been made. In CJA cases, counsel must certify that AUTH-24 requests have been submitted through the **district court's eVoucher system** for approval by the district judge. Once the transcript has been prepared, counsel also submits the CJA-24 voucher for payment in the district eVoucher system. For assistance, see [District eVoucher Contacts for Transcript Authorization and Payment](#).

In sentencing appeals, a transcript of the sentencing hearing must be ordered. In Anders appeals, plea (or trial) and sentencing transcript must be ordered, along with any necessary hearing transcripts (e.g., suppression hearings). In multi-defendant cases involving CJA defendants, only one original trial transcript should be purchased from the court reporter on behalf of CJA defendants, and copies should thereafter be made at commercially competitive rates not to exceed \$.15 per page. Co-defendants may obtain paper or electronic copies of prepared transcript from the court reporter, co-counsel, or the district court.

If appellee finds other parts of the proceedings necessary, appellee must designate the additional parts within 14 days after service of the transcript order. If appellant has not ordered the additional parts within 14 days, appellee may, within the following 14 days, order the additional parts or move in the district court for an order requiring appellant to do so.

Counsel must review transcript and notify the district court of any intention to direct redaction of personal data identifiers within 7 days of filing of the transcript, and thereafter submit a statement of redactions to the court reporter within 21 days of filing of the transcript, as required by the [Judicial Conference Policy on Privacy and Public Access to Electronic Case Files](#). Counsel should obtain full-size transcript from the court reporter, since condensed transcript may not be used in the appendix. Counsel should verify that the witness name and type of examination appear in the top margin of each page of testimony, as required for inclusion in the appendix on appeal. Local Rule 30(b).


A. This constitutes an order of the transcript of the following proceedings. Check appropriate box(es), provide date of hearing, and indicate total number of estimated pages. Specific CJA authorization is required for opening and closing statements, voir dire, and instructions.

PROCEEDING	HEARING DATE(S)
<input type="checkbox"/> Voir Dire	_____
<input type="checkbox"/> Opening Statement (Plaintiff)	_____
<input type="checkbox"/> Opening Statement (Defendant)	_____
<input type="checkbox"/> Closing Argument (Plaintiff)	_____
<input type="checkbox"/> Closing Argument (Defendant)	_____
<input type="checkbox"/> Opinion of Court	_____
<input type="checkbox"/> Jury Instructions	_____
<input checked="" type="checkbox"/> Sentencing	<u>February 13, 2019</u>
<input type="checkbox"/> Bail Hearing	_____
<input type="checkbox"/> Pre-Trial Proceedings (specify)	_____
<input type="checkbox"/> Testimony (specify)	_____
<input checked="" type="checkbox"/> Other (specify)	<u>9/17/18 Mtn hearing; all proceedings Oct. 2-12, 2018, incl. exhs</u>
TOTAL ESTIMATED PAGES <u>1,500</u>	

B. I certify that I have contacted the court reporter (or court reporter coordinator if electronic recording) and satisfactory financial arrangements for payment of the transcript have been made as follows:

- ☒ Private funds. (Deposit of \$ 2,418.75 enclosed with court reporter's copy. Check No. 1085764.)
☐ CJA AUTH-24 request submitted in district eVoucher system.
☐ Government expense (civil case--IFP). Motion for transcript at government expense is pending with district judge.
☐ Advance payment waived by court reporter. Payment in full is due upon receipt of transcript.
☐ Federal Public Defender - no CJA 24 authorization necessary.
☐ United States appeal.

C. Transcript is requested in ☐ paper format ☒ electronic format

Signature  Typed Name Nicholas D. Stellakis
 Address Hunton Andrews Kurth LLP, 125 High Street, Suite 533, Boston Boston, MA 02110
 Email nstellakis@huntonak.com Telephone No. 617-648-2747
 Date Sent to Reporter 3/14/19